CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

August 8, 2013 Meeting Agenda Item 3

SUBJECT: Tannir Residence - (PA2013-110)

SITE

LOCATION: 3235 Ocean Boulevard

Variance No. VA2013-004

APPLICANT: Wun Sze Li c/o Brion Jeannette Architecture

PLANNER: Rosalinh Ung, Associate Planner

(949) 644-3208, rung@newportbeachca.gov

PROJECT SUMMARY

The applicant proposes to construct a 3-level, single-family residence with a Variance to allow:

- a. the lower level of the residence to encroach 10 feet into the required 10-foot front yard setback; and
- b. a portion of the new staircase and its railings located along the east property line to exceed the 6-foot height limit by 3 feet, for a total height of 9 feet.

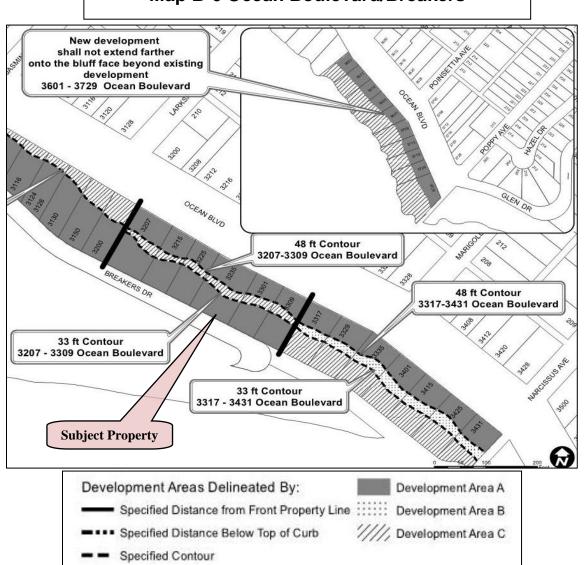
RECOMMENDED ACTION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ approving Variance No. VA2013-004 and finding the project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 (Attachment No. PC 1).



| LOCATION | GENERAL PLAN | ZONING | CURRENT USE |
|----------|-------------------------|--------------------------|--------------------------|
| ON-SITE | Single-Unit Residential | Single-Unit Residential- | Single-unit residential |
| | Detached (RS-D) | Bluff Overlay (R-1-B) | dwelling |
| NORTH | Single-Unit Residential | Single-Unit Residential | Single-unit residential |
| | Detached (RS-D) | - | dwelling |
| SOUTH | Breakers Dr. & Parks & | Breakers Dr. & Parks & | Breakers Dr. & CDM State |
| | Recreation (PR) | Recreation (PR) | Beach |
| EAST | Single-Unit Residential | Single-Unit Residential- | Single-unit residential |
| | Detached (RS-D) | Bluff Overlay (R-1-B) | dwelling |
| WEST | Single-Unit Residential | Single-Unit Residential- | Single-unit residential |
| | Detached (RS-D) | Bluff Overlay (R-1-B) | dwelling |

Map B-6 Ocean Boulevard/Breakers



INTRODUCTION

Project Setting

The subject property is approximately 10,356 square feet in size. The rectangular-shaped property is located between Ocean Boulevard to the north and Breakers Drive to the south, with an approximately 50-foot wide City right-of-way between the northern property line and Ocean Boulevard curb line. The right-of-way area consists of a lawn adjacent Ocean Boulevard, an existing driveway and drive approach, retaining walls, a short staircase, and a sloped landscaped area adjacent to the property. To the north, east and west are existing single-family residential developments. South of Breakers Drive is the Corona del Mar State Beach.

The subject property slopes from Ocean Boulevard down to the south at a slope ratio of approximately 3:1 for approximately 90 feet. This is measured from the existing curb at Ocean Boulevard to the 56.0 foot contour line. From there, the site transition to an approximate 1:1 slope that extends approximately 50 feet downward to the 14.0 foot contour line and flattens out to Breakers Drive.

The subject property is currently developed with an existing 3-level single-family residential unit with attached 2-car garage constructed at the top of the bluff. The existing dwelling unit is situated approximately between the 80-foot elevation contour line down to the 56-foot elevation contour and it is approximately 2 feet 4 inches over the Ocean Boulevard top-of-curb height limit. A 180 square-foot workshop structure is located below the bluff adjacent to Breakers Drive. An existing wood staircase is located on the bluff face that connects the main residence and the workshop structure below, and this area remains largely undisturbed and vegetated. Vehicle access is provided to the garage from Ocean Boulevard via a 19-foot wide on-grade driveway/wooden bridge that is constructed in the public right-of-way. Additional on-site parking is accessed from Breakers Drive below. Pedestrian access to the residence is available from Ocean Boulevard via an existing 3-foot wide brick staircase that is also located in the public right-of-way along with a series of brick retaining wall/planters.

Project Description

The applicant proposes to demolish the existing structure and construct a new 7,197-square-foot, 3-level, single-family residence with an attached two-car garage at the top of the coastal bluff. A second structure would be developed at the bottom of the bluff consisting of a 478-square-foot, 2-car garage and a 303-square foot recreation room with a 350-square-foot roof deck.

The lower level of the main structure would encroach 10 feet into the 10-foot front yard setback. Additionally, the lower portion of existing staircase located on the bluff that currently provides pedestrian access to Breakers Drive will be retained. In order to connect the existing staircase to the new residence, a new staircase will be constructed

and a portion of this staircase and its railings will exceed the 6-foot high limit by 3 feet, for a total height of 9 feet. The front yard setback encroachment and the height of this new staircase portion require approval of a Variance.

Proposed improvements in the front yard setback consist of an open patio, raised planters, and barbeque. Within the 50-foot right-of-way, new improvements include a new staircase, a new driveway that connects to the existing drive approach along Ocean Boulevard, a new walkway leading to the residence, and retaining walls and protective railings along the new driveway.

DISCUSSION

Analysis

General Plan & Coastal Land Use Plan

The proposed project will not change the density or use of the subject property and is consistent with the designation "Single Unit Residential Detached" (RS-D) of the Land Use Element of the General Plan and "Single Unit Residential Detached" (RSD-A) of Coastal Land Use Plan (CLUP) of the Newport Beach Local Coastal Program.

The General Plan (GP) and the Local Coastal Plan (CLUP) state that coastal bluffs are "significant natural landforms considered to be important scenic and visual resources within the coastal zone area of the City". Development along the coastal bluff side of Ocean Boulevard is one of the few areas in the coastal zone where there is development of the bluff face. According to Policies 4.4.3.8 and 4.4.3.9 of the CLUP, private development on bluff faces along Ocean Boulevard are permitted; however, it must be consistent with the predominant line of existing development or public improvements by providing public access and safety, protecting coastal resources, and protect public coastal views. Improvements on the bluff face shall only be permitted when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

The initial subdivision and development in this area occurred prior to adoption of policies and regulations intended to protect coastal bluffs and other landforms. Development in this area is allowed to continue on the bluff face provided it complies with various policies stated in the GP and CLUP. The proposed residence would be constructed within the existing building footprint, at the 56-foot contour line to minimize the alteration of the bluff face and visually compatible with the adjacent residences by adhering to the top-of-curb height restriction.

Zoning Code

The subject property is zoned R-1-B (Single-Unit Residential Bluff Overlay District). Pursuant to Section 20.28.040 (Bluff Overlay District) and Map B6-Ocean Boulevard/Breakers, the subject property is located within the 3207-3309 Ocean Boulevard segment that has two (2) development areas: Area A and Area C. Development Area A is located between the front property line adjacent to Ocean Boulevard and the 48-foot contour line. Additionally, the lower portion of the site between the 33-foot contour line and the property line adjacent to Breakers Drive is within Area A. Within Area A, principal and accessory structures are allowed consistent with the R-1 zone. Development Area C is located between the 33-foot and 48-foot elevation contour lines. Limited accessory structures (i.e., benches, guardrails, on-grade trails and stairways, covered walkways connecting a conforming garage and principal structure) are allowed in Area C.

The proposed new residence complies with the R-1 and the Bluff Overlay development standards for floor area limit, building height, parking, residential design criteria, and development area, except for the requested front yard setback encroachment at the lower level and the new staircase portion that exceeds the 6-foot side yard setback height limit. A complete analysis of the development standards is provided as Attachment PC No. 3. The maximum height of the new residence will be constructed below the height of the top of Ocean Boulevard curb. The new residence and the 2-car garage structure will be constructed within Area A and generally have the same footprints of the existing residence. The design includes decks on the ocean side of the proposed residence that encroach 3 feet into Area C. The encroachments are allowed as they could cantilever up to 5 feet into Area C, and do not require ground support.

Variance Request

The applicant requests an approval of a Variance to allow the lower subterranean level to encroach into the required 10-foot front yard setback. The proposed front yard setbacks for the three building levels are:

Front Yard Setback (Ocean Boulevard)

| | Proposed | Required |
|--------------|----------|----------|
| Upper Level | 10 ft. | 10 ft. |
| Middle Level | 10 ft. | 10 ft. |
| Lower Level | 0 ft. | 10 ft. |

A Variance is also requested for a portion of the new staircase (approximately 12 feet long) located along the east property line that will exceed the 6-foot height limit by 3 feet, for a total height of 9 feet.

Section 20.52.090.F (Variances, Findings and Decision) of the Zoning Code requires the Planning Commission to make the following findings before approving a variance:

- A. There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;
- B. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;
- C. Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;
- D. Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;
- E. Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and
- F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

The basic intent of front yard setback is to provide adequate separation between structures on private property and the public right-of-way and to provide a consistent look from the public street. In this particular case, the proposed encroachment is below the existing and proposed finished grade, and will not be visible from Ocean Boulevard. The front property line is located approximately 24 feet from the Ocean Boulevard public walkway, and 50 feet from Ocean Boulevard.

Staff believes the findings for approval of the Variance request can be made because the design of the structure is reasonable given topographic and regulation constraints. Furthermore recent restrictions imposed by the California Coastal Commission for the adjacent property located at 3225 Ocean Boulevard results in a smaller development envelope and additional preservation of the existing bluff face along this segment. The project is designed similar to the 3225 Ocean Boulevard property. Approval of the Variance will allow the property owner to construct a dwelling that meets their needs while limiting encroachment down and alteration of the coastal bluff.

The Variance would not constitute a special privilege as it allows the property owner to build a house compatible with the development of other lots in the vicinity. The proposed development is approximately 65 percent of the maximum allowed on the subject property. The maximum allowable gross floor area is 12,341 square feet, while

the subject project is 7,978 square feet. Granting the requested subterranean front yard setback encroachment allows the size of the subject dwelling to be comparable to other newly-improved homes on similar parcels in the vicinity. Additionally, the Variance request will not adversely impact public views from Ocean Boulevard as it is subterranean and the overall residence adheres to the top-of-curb height restriction.

The requested wall height variance for the 12-foot 7-inch long staircase is located on the backside of the property away from Ocean Blvd and will not adversely impact public coastal views from Ocean Boulevard since the staircase is not visible from the street elevation. Additionally, the proposed staircase is 11 to 15 feet below the 56-foot contour as well as 11 to 18 feet below the adjacent neighbor's lowest deck level. Therefore, it will not affect the adjacent neighbor's views or the flow of air or light to their property.

Furthermore, the proposed staircase replaces the existing staircase that runs diagonally across the center of the bluff face. By the removal of this section, it allows for more coastal bluff to be visible and preserves the aesthetic character of the bluff as seen from the ocean. The proposed staircase will be built with wood framing on piles, open wood railing, and will be elevated from the bluff face to minimize disruption, preserve the natural drainage pattern of the site, and allow for native vegetation to grow.

Finally, the proposed staircase is compatible with the neighborhood in that all other properties along this section of Ocean Boulevard have staircases on the bluff to provide access to either Breakers Drive or Corona del Mar State Beach.

The granting of the applicant's request is consistent with the intent of the General Plan, Coastal Land Use Plan and Zoning Code. The granting of the Variance would not increase the density beyond what is planned for the area; will not adversely impact the designated public views from Ocean Boulevard as it adheres to the top-of-curb height restrictions; and does not maximize bluff development as allowed by the Bluff Overlay. Staff, therefore, recommends Planning Commission approval based on the discussion and facts above and findings included in the draft resolution for approval. Conditions of approval have been incorporated into the attached draft resolution (Attachment No. PC 1) to assure that the project complies with GP and LUP policies related to bluff stabilization, minimization of bluff recession, and prevention of bluff erosion.

<u>Alternatives</u>

The following alternatives are available to the Planning Commission:

 The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions. 2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2).

Environmental Review

The proposed project has been reviewed and it has been determined that it is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines – Class 3 (New Construction or Conversion of Small Structures). This exemption includes construction of a single-family residence in a residential area. The proposed project is a single-family residence to be constructed in the R-1 (Single-Unit Residential) Zoning District.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by: Submitted by:

Rosalinh Ung Associate Planner

Brenda Wisneski, AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution for Approval with Findings and Conditions
- PC 2 Draft Resolution for Denial
- PC 3 Project Development Elements
- PC 4 Project Plans

Attachment No. PC 1

Draft Resolution for Approval

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING VARIANCE PERMIT NO. VA2013-004 FOR THE TANNIR RESIDENCE LOCATED AT 3235 OCEAN BOULEVARD (PA2013-110)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Brion Jeannette Architecture, with respect to property located at 3235 Ocean Boulevard, and legally described as southeasterly one-half of Lot 15 and Lot 16 of Tract 1026.
- 2. The applicant proposes to construct a 3-level, single-family residence with a Variance to allow:
 - a. the lower level of the residence to encroach 10 feet into the required 10-foot front yard setback; and
 - b. a portion of new staircase and its railings located in the side yard setback to exceed the 6-foot height limit by 3 feet, for a total height of 9 feet.
- 3. The subject property is located within the Single-Unit Residential (R-1) Bluff Overlay Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
- 4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-A).
- 5. A public hearing was held on August 8, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Section 15303 Class 3 (New Construction or Conversion of Small Structures) which includes construction of a single-family residence and related accessory structures in a residential zone. The proposed project is a single-family residence to be constructed in the R-1 (Single-Unit Residential) Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.090 (Variances) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

A. There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.

Facts in Support of Finding:

- A-1. The subject property slopes from Ocean Boulevard down to the south at a slope ratio of approximately 3:1 for approximately 90 feet. This is measured from the curb (EL 89.0') to the 56.0 foot contour. From there on, the site transition to an approximate 1:1 slope that extends approximately 50 feet downward to the 14.0 foot contour and flattens out to Breakers Drive. The subject property is within the Bluff Overlay District which has two development areas where principal and accessory structures are allowed to be constructed. Given the topography of the subject property, regulation constraints by the Bluff Overlay District, and further restrictions recently imposed by the California Coastal Commission on the neighboring parcel at 3225 Ocean Boulevard that are likely to be imposed on the subject property, the new residence will be facing a similar restriction of redevelop within the existing building footprint on the subject site thereby resulting in a more restrictive development envelope than to other R-1 zoned properties nearby.
- A-2. The California Coastal Commission desires minimal "new" improvements on the bluff face. As a result, the existing improvements within this area need to be preserved and repair as necessary. The proposed new staircase is necessary to connect the new residence to the existing staircase that leads down to Breakers Drive.

Finding:

B. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.

Facts in Support of Finding:

B-1. The Variance does not constitute the granting of a special privilege as it allows the property owner to develop a residence that is compatible with other lots in the vicinity that are identically zoned. The proposed residence is considerably smaller in floor area when compared to the sizes of other residences on similar sized lots in the vicinity. The project, as designed, will allow the property owner to construct a dwelling that meets their needs while limiting setback encroachment to the lower level, staircase height, and alteration of the coastal bluff.

Finding:

C. Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Facts in Support of Finding:

- C-1. The proposed development is approximately 65 percent of the maximum allowed on the subject property. The maximum allowable gross floor area is 12,341 square feet while the subject property proposes 7,978 square feet. Granting the requested subterranean front yard setback encroachment allows the subject property to have a comparable dwelling size when compared to the sizes of newly-improved homes on similar parcels in the vicinity. The 10-foot front yard setback will be maintained above grade with landscaping and be used as open patio area.
- C-2. The retaining of existing staircase on the bluff and the addition of a 12 feet, 7 inches new staircase to provide adequate access between the main dwelling and the accessory structure below will cause least amount of disruption to the coastal bluff.

Finding:

D. Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Facts in Support of Finding:

- D-1. The Zoning Code provides the flexibility in application of land use and development regulations by way of permitting Variance applications. The Variance procedure is intended to resolve practical physical hardships resulting from the unique topography and lot configurations that exist in the City and on this property. The granting of this request is consistent with the intent of the established front yard setback as the encroachment would be subterranean and not visible from Ocean Boulevard. The upper levels maintain the required setback to ensure that there would be adequate flow of air and light to adjoining properties, to provide adequate separation between structures on private property and the public right-of-way, and to provide a consistent look from the public right-of-way.
- D-2. The proposed staircase will be built with wood framing on piles consisting with the existing staircase, open wood railing, and will be elevated off of the bluff face to minimize disruption to the bluff, preserve the natural drainage pattern of the site, and allow for native vegetation to grow beneath.
- D-3. The proposed staircase is compatible with the neighborhood in that all other properties along this section of Ocean Boulevard have staircases on the bluff to provide access to either Breakers Drive or Corona del Mar State Beach

Finding:

E. Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.

Facts in Support of Finding:

- E-1. The subject property is designated for single-family residential use and the granting of the Variance would not increase the density beyond what is planned for the area, and will not result in additional traffic, parking or demand for other services. The granting of the Variance request will not adversely impact public views from Ocean Boulevard since the subterranean front yard setback encroachment will not be visible from the street level, and will be approximately 24-feet from the existing sidewalk and 50-feet from Ocean Boulevard. The proposed encroachment will not affect the flow of air or light to adjoining residential properties in that the required 10-foot front yard setback is maintained at above grade level (at the middle and upper levels).
- E-2. The new staircase location will result the least alteration to the coast bluff as it would be built at grade with no visual impact from Ocean Boulevard. Additionally, the proposed staircase is 11- to 15-feet below the 56-foot contour as well as 11- to 18-feet below the adjacent neighbor's lowest deck level. It therefore, would not affect adjacent neighbor's views or would it affect the flow of air or light to their property.

Finding:

F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

Facts in Support of Finding:

- F.1. The granting of the applicant's request is consistent with the intent of the General Plan, Coastal Land Use Plan and Zoning Code as it would not increase the density beyond what is planned for the area; will not adversely impact the designated public views from Ocean Boulevard as it adheres to the top-of-curb height restrictions; and will allow for more open coastal bluff face than is required in the Development Area C by maintaining the existing building footprint, and the existing staircase with a small portion of the new one to connect to the new residence. Furthermore, the approval of the Variance does not reduce the visible front yard and consistent with the intent of front yard setback requirement.
- F.2 The staircase will not be incompatible with the neighborhood in that all other properties along this section of Ocean Boulevard have staircases on the bluff to provide access to either Breakers Drive or Corona del Mar State Beach and the Bluff Overlay regulations allowed for staircases.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby approves Variance Permit No. VA2013-004, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 8TH DAY OF AUGUST, 2013.

| AYES: | |
|-------------|--|
| NOES: | |
| ABSTAIN: | |
| ABSENT: | |
| BY: | |
| , Chairman | |
| BY: | |
| , Secretary | |

EXHIBIT "A"

CONDITIONS OF APPROVAL (Project-specific conditions are in italics)

Planning Division

- 1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval. It shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
- 2. The natural bluff face shall be restored to its natural state if inadvertent alteration should occur during construction of the project.
- 3. Variance No. 2013-004 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 4. Prior to the issuance of a building or grading permit, a waiver of future shoreline protection during the economic life of the structure (75 years) shall be executed and recorded against the property. The waiver shall be binding upon all future owners and assignees. The waiver shall be reviewed and approved by the City Attorney prior to recordation.
- 5. Accessory structures shall be relocated or removed if threatened by coastal erosion. Accessory structures shall not be expanded and routine maintenance of accessory structures is permitted.
- 6. Prior to issuance of building permits, approval from the California Coastal Commission shall be required.
- 7. Prior to the issuance of building permits, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. The plans shall comply with the City's Water Efficient Landscape Ordinance (Chapter 14.17) and Water Conservation Ordinance (Chapter 14.16) of the Municipal Code. These plans shall incorporate native, drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division, Public Works, and General Services Departments. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor.
- 8. All new landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing

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- and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
- 9. Prior to the final of building permits, the applicant shall schedule an inspection by the Planning Division to confirm that all landscaping on the property and within the public right-of-way was installed in accordance with the approved plan.
- 10. Reclaimed water shall be used whenever available, assuming it is economically feasible.
- 11. Water leaving the project site due to over-irrigation of landscape shall be minimized. If an incident such as this is reported, a representative from the Code and Water Quality Enforcement Division, shall visit the location, investigate, inform and notice the responsible party, and, as appropriate, cite the responsible party and/or shut off the irrigation water.
- 12. Watering shall be done during the early morning or evening hours (between 4:00 p.m. and 9:00 a.m.) to minimize evaporation the following morning.
- 13. All leaks shall be investigated by a representative from the Code and Water Quality Enforcement Division and the Applicant shall complete all required repairs.
- 14. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
- 15. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Tannir Residence Project including, but not limited to, Variance Permit No. VA2013-004. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

16. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, Cityadopted version of the California Building Code (CBC). The construction plans must

- meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
- 17. Prior to issuance of the grading permit, the project applicant shall document to the City of Newport Beach Building Division that the project is designed and will be constructed to comply with current seismic safety standards and the current City-adopted version of the CBC.
- 18. A Water Quality Management Plan shall be required.
- 19. CAL-OSH permit shall be required.
- 20. Prior to issuance of the grading permit, a geotechnical report provided by a licensed Certified Engineering Geologist or Geotechnical Engineer shall be submitted with construction drawings for plan check. The report shall include slope stability analyses and erosion rate estimates. The Building Division shall ensure that the project complies with the geotechnical recommendations included in the geologic investigation as well as additional requirements, if any, imposed by the Newport Beach Building Division. To assure stability, the development must maintain a minimum factor of safety of 1.5 against land-sliding for the economic life of the structure (75 years).
- 21. Prior to issuance of the grading permit, grading/drainage and shoring plan shall be submitted to the Building Division for review and approval.
- 22. Encroachment permit(s) shall be required for the installation of shorings.
- 23. Existing stairway shall be improved/upgraded per Chapter 10 of the CBC.
- 24. The new residence shall in compliance with CBC or CRC for exiting, number of stories, travel distance, and all required Fire safety and structural provisions.
- 25. Where vehicles leave the construction site and enter adjacent public streets, any visible track-out extending for more than fifty (50) feet from the access point shall be swept within thirty (30) minutes of deposition.
- 26. The construction and equipment staging area shall be located in the least visually prominent area on the site and shall be properly maintained and/or screened to minimize potential unsightly conditions. Construction equipment and materials shall be properly stored on the site when not in use.
- 27. A six-foot-high screen and security fence shall be placed around the construction site during construction.
- 28. The applicant shall comply with SCAQMD Rule 403 requirements as follows:
 - Land Clearing/Earth-Moving

- a. Exposed pits (i.e., gravel, soil, and dirt) with 5 percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufacturers' specifications.
- b. All other active sites shall be watered twice daily.
- c. All grading activities shall cease during second stage smog alerts and periods of high winds (i.e., greater than 25 mph) if soil is being transported to off-site locations and cannot be controlled by watering.
- d. All trucks hauling dirt, sand, soil, or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer).
- e. Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
- f. All vehicles on the construction site shall travel at speeds less than 15 mph.
- g. All diesel-powered vehicles and equipment shall be properly operated and maintained.
- h. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than 5 minutes.
- i. The construction contractor shall utilize electric or natural gas-powered equipment instead of gasoline or diesel-powered engines, where feasible.

Paved Roads

- k. Streets shall be swept hourly if visible soil material has been carried onto adjacent public paved roads. (See condition No. 34 above).
- m. Construction equipment shall be visually inspected prior to leaving the site and loose dirt shall be washed off with wheel washers as necessary.
- 29. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- a. Water all active construction areas at least twice daily.
- b. Cover all haul trucks or maintain at least two feet of freeboard.
- c. Pave or apply water four times daily to all unpaved parking or staging areas.

- d. Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- e. Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- f. Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- a. Require 90-day low-NOx tune-ups for off road equipment.
- b. Limit allowable idling to 30 minutes for trucks and heavy equipment.

Off-Site Impacts

- a. Encourage car pooling for construction workers.
- b. Limit lane closures to off-peak travel periods.
- c. Park construction vehicles off traveled roadways.
- d. Wet down or cover dirt hauled off-site.
- e. Sweep access points daily.
- f. Encourage receipt of materials during non-peak traffic hours.
- g. Sandbag construction sites for erosion control.

Fill Placement

- a. The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- b. Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10 percent soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

Public Works

- 30. All improvements shall be constructed as required by the Municipal Code and the Public Works Department.
- 31. The applicant shall construct new concrete curb and gutter per City standards along Breakers Drive frontage.

- 32. New driveway along Breakers Drive shall be reconstructed per STD-162-L.
- 33. All existing private, non-standard improvements within the public right-of-way and/or or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
- 34. Encroachment permit shall be required for all work activities within the public right-of-way.
- 35. Additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector in case of damage done to public improvements surrounding the development site by the applicant.
- 36. All on-site drainage shall comply with the latest City water quality requirements.
- 37. A new sewer cleanout shall be installed on the existing sewer lateral per STD-406-L adjacent to the property line in the Breakers Drive public right-of-way.
- 38. No structural components, such as tie backs, foundations and caissons, shall be permitted to encroach into the Ocean Boulevard right-of-way for the new lower level that encroaches into the front yard setback area.
- 39. Prior to the building permit issuance, the existing 4-foot wide sewer easement along the property's southeasterly property line shall be vacated to accommodate the proposed improvements (stairway & barbeque).
- 40. City Council review and approval shall be required for the non-standard improvements (i.e., retaining walls, railings, stairs, etc.) within the Ocean Boulevard public right-of-way, since the proposed improvements are not consistent with City Council Policy L-6. If approved by City Council, the property owner shall be required to obtain an encroachment permit for the construction of the non-standard improvements and obtain an Encroachment Agreement for the non-standard improvements.

Fire Department

41. Smoke alarms shall be required on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms, in each room used for sleeping purposed, and on each dwelling level as C.F.C Section 907.2.11.2.

Attachment No. PC 2

Draft Resolution for Denial

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING VARIANCE PERMIT NO. VA2013-004 FOR THE TANNIR RESIDENCE LOCATED AT 3235 OCEAN BOULEVARD (PA2013-110)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Brion Jeannette Architecture, with respect to property located at 3235 Ocean Boulevard, and legally described as southeasterly one-half of Lot 15 and Lot 16 of Tract 1026.
- 2. The applicant proposes to construct a new 3-level, single-family residence with a Variance to allow:
 - a. the lower level of the residence to encroach 10 feet into the required 10-foot front yard setback; and
 - b. a portion of new staircase and its railings located along the east property line to exceed the 6-foot height limit by 3 feet, for a total of 9 feet.
- 3. The subject property is located within the Single-Unit Residential (R-1) Bluff Overlay Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
- 4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-A (Single-Unit Residential Detached).
- 5. A public hearing was held on August 8, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.18.030 (Residential Zoning Districts General Development Standards), a 10-foot front yard setback is required for development of the subject property per Setback Map #S-10B. The topographic and regulatory constraints do not preclude the

construction of a residence that would be compatible with surrounding lots. Furthermore, Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls), the maximum wall height of 6 feet is required within the rear and interior side setbacks areas. The proposed residence can be redesigned to comply with the required development standards and approval of the Variance is not necessary to preserve a substantial property right.

The Planning Commission may approve a variance only after making each of the required findings set forth in Section 20.52.090 (Variances). In this case, the Planning Commission was unable to make the required findings based upon the following:

- 1. The Planning Commission determined, in this case, that the proposed Variance for the proposed single-family residential unit is not consistent with the legislative intent of Title 20 of the NBMC and that findings required by Section 20.52.090 are not supported in this case. The proposed project may prove detrimental to the community.
- 2. The design, location, size, and characteristics of the proposed project are not compatible with the single-family residences in the vicinity. The development may result in negative impacts to residents in the vicinity and would not be compatible with the enjoyment of the nearby residential properties.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby denies Variance No. VA2013-004.
- This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF AUGUST, 2013.

| AYES: |
|----------------|
| NOES: |
| ABSTAIN: |
| ABSENT: |
| BY:, Chairman |
| BY:, Secretary |

Attachment No. PC 3

Project Development Elements

Attachment PC 3 Project Development Elements

| PROJECT | REQUIRED OR PERMITTED | PROPOSED |
|--|--|--|
| ELEMENTS | REGUINES ON FEMALES | 1 101 0025 |
| Lot Size | 10,356sf. | No Change |
| Buildable area (lot minus setback areas) | 8,227 sf. | No Change |
| Maximum gross floor | | Complies. |
| area (1.5 x buildable area) | 12,341 sf. (8,227 x 1.5) | Total :7,978 sf. |
| | | Main Dwelling: Upper Level (including 2-car garage): 1,628 sf. Middle Level: 2,689 sf. Lower Level: 2,880 sf. 2-car garage & recreation room: 781 sf. |
| Development Area A per Bluff Overlay District (between 48-ft. contour line and property line adjacent to Ocean Blvd. & between the 33-ft. contour line and property line adjacent to Breakers Dr.) | Principal & accessory structures (BBQs, decks, patio covers, fences & walls, gazebos, fireplaces & fire pits, porches, spas & hot tubs, swimming pools, terrace, & similar structures) | Complies. Main Dwelling: between 56-ft. contour line and property line adjacent to Ocean Blvd Garage Structure: between 13-ft. contour line and property line adjacent to Breakers Dr. |
| Development Area C per Bluff Overlay District (between 33-foot and 48-ft. contour lines) | Limited accessory structures (covered walkways, benches, guardrails & handrails, on-grade stairways, drainage devices, landscaping/irrigation systems, ongrade trails, property line fences & walls, & similar structures) | Variance Required. On-grade stairways (existing & new); a portion of new staircase is 8'- 10"high (2ft-10" above the 6-foot requirement) ¹ |
| | 29 ft. pitched roof above natural grade (NG) | Complies – 29 ft. Complies - Top of elevation: 89.32' |
| Front Setback (Ocean Blvd.): | Top of curb (TOC) @ 89.37' (Md. Pt.) 10 ft. | Variance Required. Upper Level: 10 ft. Middle Level: 10 ft. Lower Level: 0 ft. ¹ |
| Side Setback: | 4 ft. | Complies. 4 ft. |
| Rear Setback (Breakers Dr): | 5 ft. | Complies. 5 ft. |
| Parking 1 Variance requested | 3 spaces | Complies. 4 spaces (two 2-car garages) |

¹Variance requested

Attachment No. PC 4

Project Plans

VICINITY MAP

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<u>SITE:</u> 3235 OCEAN

, INSPIRATION -

PROJECT LOCATION

PACIFIC OCEAN

N.T.S.

Revision: Job No: 10-027



VA 2012-003/ PA 20 2-08 9/ CDP 5-12-260

SITE CONTEXT PHOTO

BREAKERS DRIVE

SQUARE FOOTAGE CALCS. LEGAL OWNER CONSULTANTS <u>GEOTECHNICAL:</u> NIZAR AND NADA TANNIR LOT SIZE: 537 CEDAR CREEK DRIVE F.A.R.: 1.5 801 GLENNEYRE ST., SUITE F HOUSTON, TX 77056 12,341 MAX. LIVABLE: LAGUNA BEACH, CA 92651 CONTACT: BRION JEANNETTE ARCHITECTURE (949) 494-2122 (949) 645-5854 UPPER LEVEL: SURVEYOR: 2,689 MIDDLE LEVEL: RGA CONSUTLANTS, INC. 34 GEORGETOWN LOWER LEVEL: IRVINE, CA 92612 (949) 509-0909 REC. RM AT GARAGE LEVEL 1/2 OF LOT 15 \$ LOT 16 TOTAL LIVABLE: A.P. NUMBER 052-120-54 DESIGN DATA AREA: CORONA DEL MAR UL 2-CAR GARAGE NEMPORT BEACH 478 NEWPORT BEACH 2-CAR GARAGE: CITY: COUNTY: ORANGE ZONE: LOWER LEVEL MECH. SCOPE OF WORK TOTAL NON-LIVABLE: CODE: 2010 CRC, 2010 CBC, 2010 CPC 1,101 2010 CEC, 2010 CMC, 2008 BUILDING TOTAL STRUCTURE: ENERGY EFFICIENCY STANDARDS (BEES), DEMOLISH EXISTING HOUSE AND SHED AND 2010 CAL GREEN BUILDING STANDARDS CONSTRUCT A NEW THREE LEVEL SINGLE FAMILY RESIDENCE WITH AN ATTACHED TWO CONSTRUCTION TYPE: VB (SPRINKLERED)

R-3/U

4'-0"

TOP OF CURB \$

24'/29' ABV. N.G.

SITE CONTEXT PHOTO & INFORMATION SITE PLAN & GRADE PLANE EXHIBIT GARAGE & LOWER LEVEL FLOOR PLANS

MIDDLE, UPPER, AND ROOF PLANS

EXTERIOR ELEVATIONS EXTERIOR ELEVATIONS BUILDING SECTIONS

INDEX

PRELIMINARY LANDSCAPE PLAN TOPOGRAPHIC SURVEY

S.**F**. ⋅

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S.**F**.

S.F.

CAR GARAGE & A DETACHED TWO CAR GARAGE WITH RECREATIONAL ROOM.

DO NOT SCALE DRAWINGS

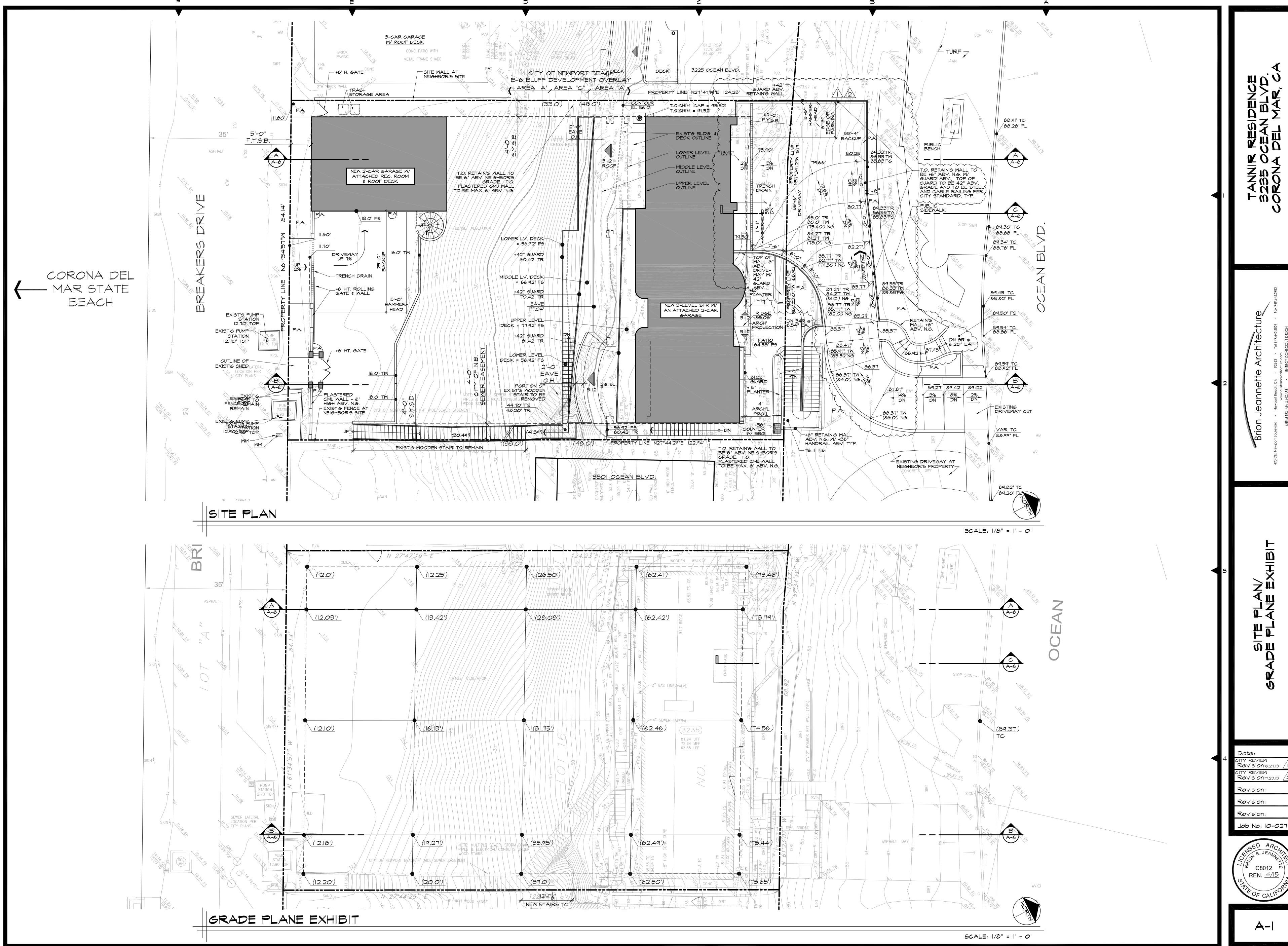
OCCUPANCY:

FRONT (OCEAN BLVD.): 10'-0" REAR (BREAKERS DR.): 5'-0"

SETBACKS:

SIDE:

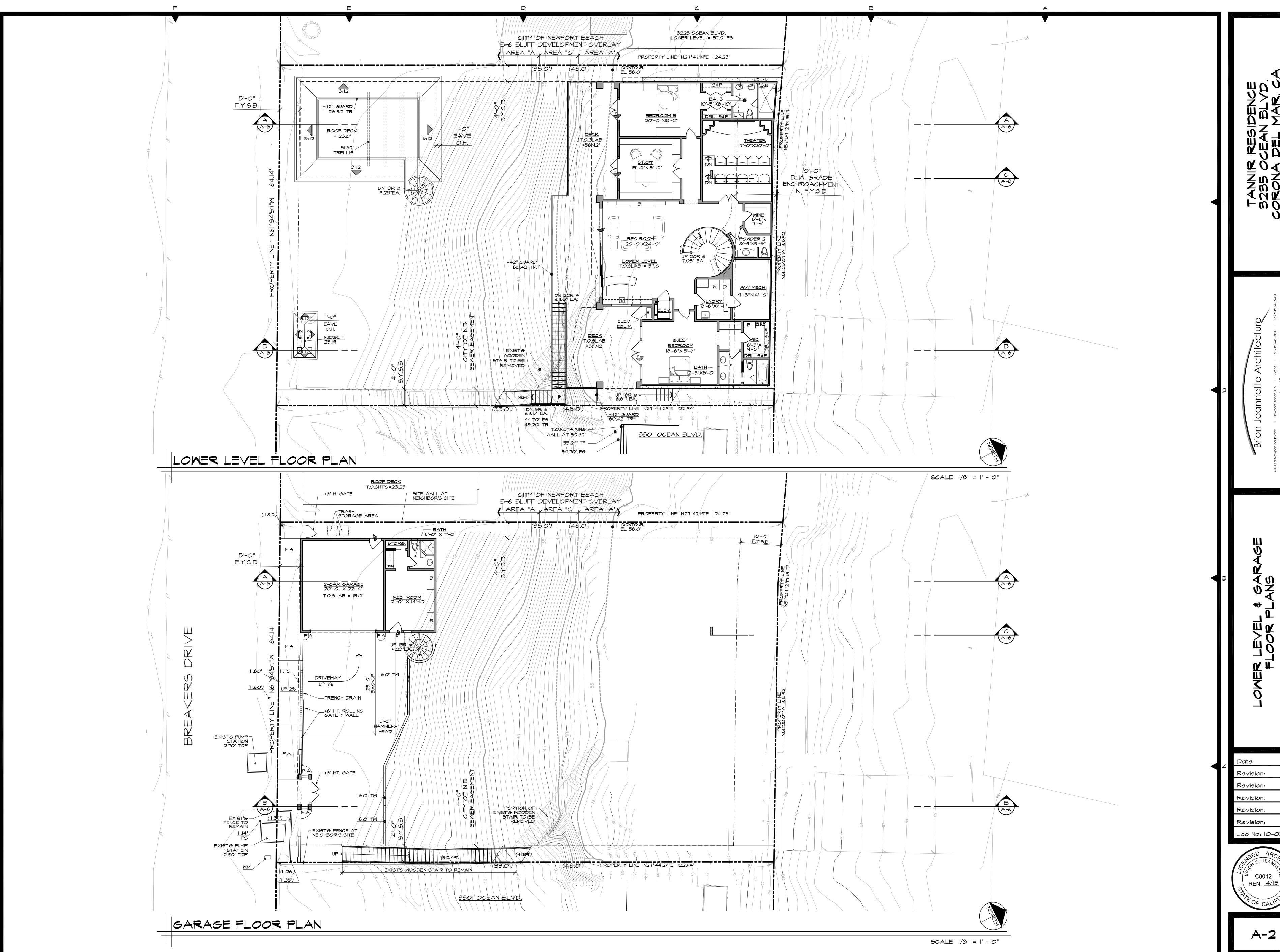
MAXIMUM HEIGHT:



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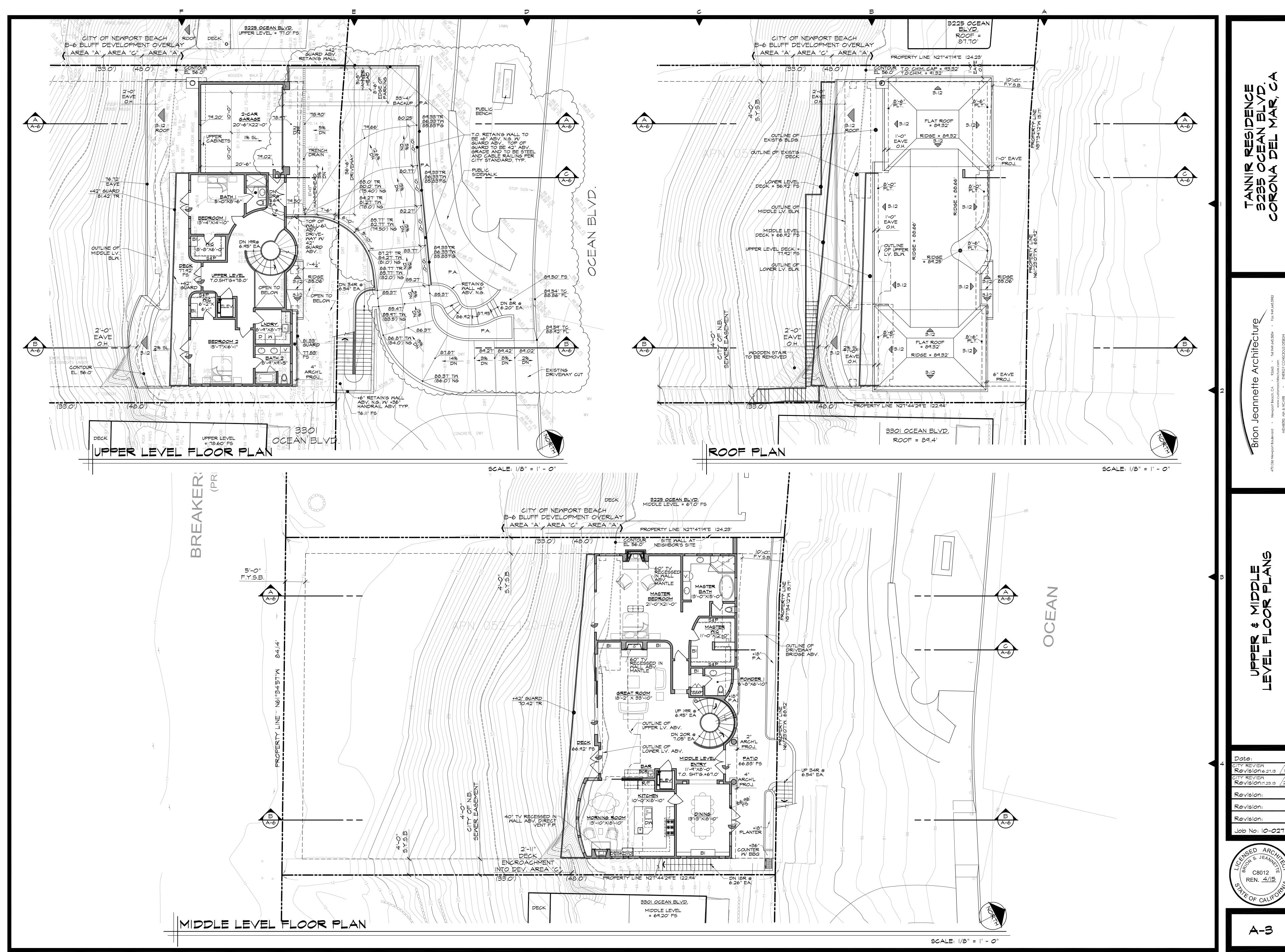
CITY REVIEW **Revision:**6.27.13 Revision:7.23.13

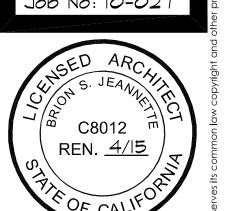




Job No: 10-027







A-3

Revision: Job No: 10-027



T.O.CHIM. CAP = 93.32' T.O.CHIM. = 91.32' 3225 OCEAN BLVD. EXISTING RIDGE AT (91.70') -VA 2012-003/ PA 2012-089/ CDP 5-12-260 CITY OF N.B. TOP OF CURB HT. LIMIT

EXISTING RIDGE AT (91.70')

NORTH ELEVATION

(89.41) RIDGE

3301 OCEAN BLVD.

UPPER LEVEL T.O.SHT'G = 78.00'

MIDDLE LEVEL T.O.SHT'G = 67.0'

EAST ELEVATION

SCALE: 1/8" = 1' - 0"

CITY OF NEWPORT BEACH B-6 BLUFF DEVELOPMENT OVERLAY CONTOUR (33.0') (48.0') AREA "C" OCEAN BLVD. RIDGE | 89.32' DRIVEWAY EAVE -BEYOND 2'-11" DECK (75.65') ENCROACH. INTO DEV. AREA "C" MIDDLE LEVEL T.O.SHT'G = 67.0'CITY OF NEWPORT BEACH 29' HT. LIMIT ABV. EST. GRADE 9" DECK ENCROACH. INTO DEV. LOWER LEVEL T.O.SHT'G = 57.0' CITY OF NEWPORT BEACH 24' HT. LIMIT ABV. EST. GRADE (62.5') AREA "C" - STAIRS BEYOND 10'-0" BLW. GRADE ENCROACHMENT IN F.Y.S.B. GUARD 26.50' CORONA DEL MAR STATE , BEACH ROOF DECK T.O.SHT'G = 23.0' BREAKERS DRIVE 2-CAR GARAGE T.O.SLAB = 13.0' EXIST'G STAIRS NEM \((12.20') TO REMAIN STAIRS

SCALE: |/8" = |' - 0"

EXTERIOR FINISH SPECIFICATIONS:

BE APPROVED BY ARCHITECT PRIOR TO APPLICATION.

PLUS CAP SHEET AT FLAT ROOFS.

ALL EXTERIOR STONE TO BE 12"x24".

GLASS FIBER REINFORCED CONCRETE (GFRC):

PANELS TO BE CLEAR LAMINATED GLASS.

EXTERIOR PLASTER O/ (2) LAYER GRADE D PAPER AT BUILDING FIELD TO RECEIVE A <u>SMOOTH</u> TEXTURE. FINAL COLOR COAT TO BE OMEGA AKROFLEX OR OMEGAFLEX, COLOR TO BE DETERMINED. COLOR TO

ROOF TILE TO BE 2 PIECE CLAY MISSION TILES BY REDLAND CLAY

BUILT-UP ROOFING IN ACCORDANCE WITH SPEC. EQUIVALENT TO GAF SPEC# N-1-2-20/ MGPFR. GAF RUBEROID 20 INTERPLY, HOT MOPPED

BETWEEN LAYERS O/ GAP #75 BASE SHEET. APPLY GAF MOP GRANULE

TILE WITH 100% MUD AND 30% TILE BOOSTERS. COLOR TO BE DETERMINED. ROOF MATERIAL AT FLAT ROOF TO BE CLASS 'A'

MOOD AT SHUTTER TO BE SEALED, STAIN GRADE DOUGLAS-FIR. COLOR TO BE <u>DETERMINED</u>. SHUTTER TO BE OPERABLE IN PLANK STYLE WITH WROUGHT IRON SHUTTER DOGS. SOLID LUMBER WOOD AT GARAGE DOOR AND GATES TO BE STAIN GRADE MAHOGANY, U.N.O.

FASCIA, CORBEL, WINDOW & DOOR TRIMS, AND BELT COURSE TO BE GFRC. FINISH AND COLOR TO MATCH STONE AND SHALL BE

WROUGHT IRON AT <u>RAILING</u> TO HAVE A <u>NATURAL</u> FINISH. GLASS

GUTTERS, DOWNSPOUTS, AND COLLECTIONS BOXES ARE TO BE 16

OZ COPPER W/ NATURAL FINISH. FLASHING TO BE ALUMINUM.

EXTERIOR WINDOWS AND DOORS TO BE ALUMINUM-CLAD WOOD WITH KYNAR 500 FINISH, MANUFACTURER TO BE DETERMINED.

APPROVED BY ARCHITECT PRIO TO FULL APPLICATION.

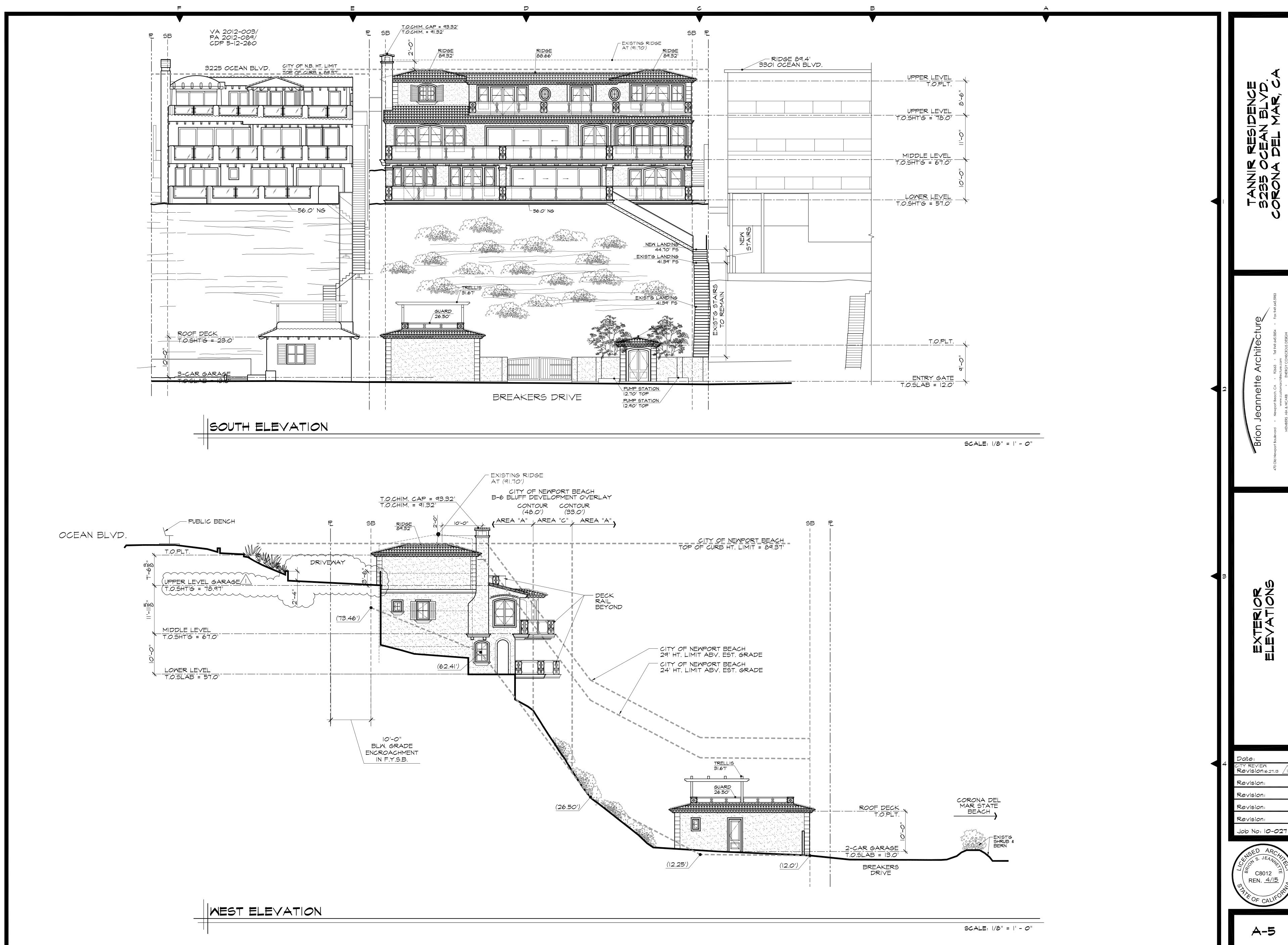
EXTERIOR PLASTER:

<u>WROUGHT IRON:</u>

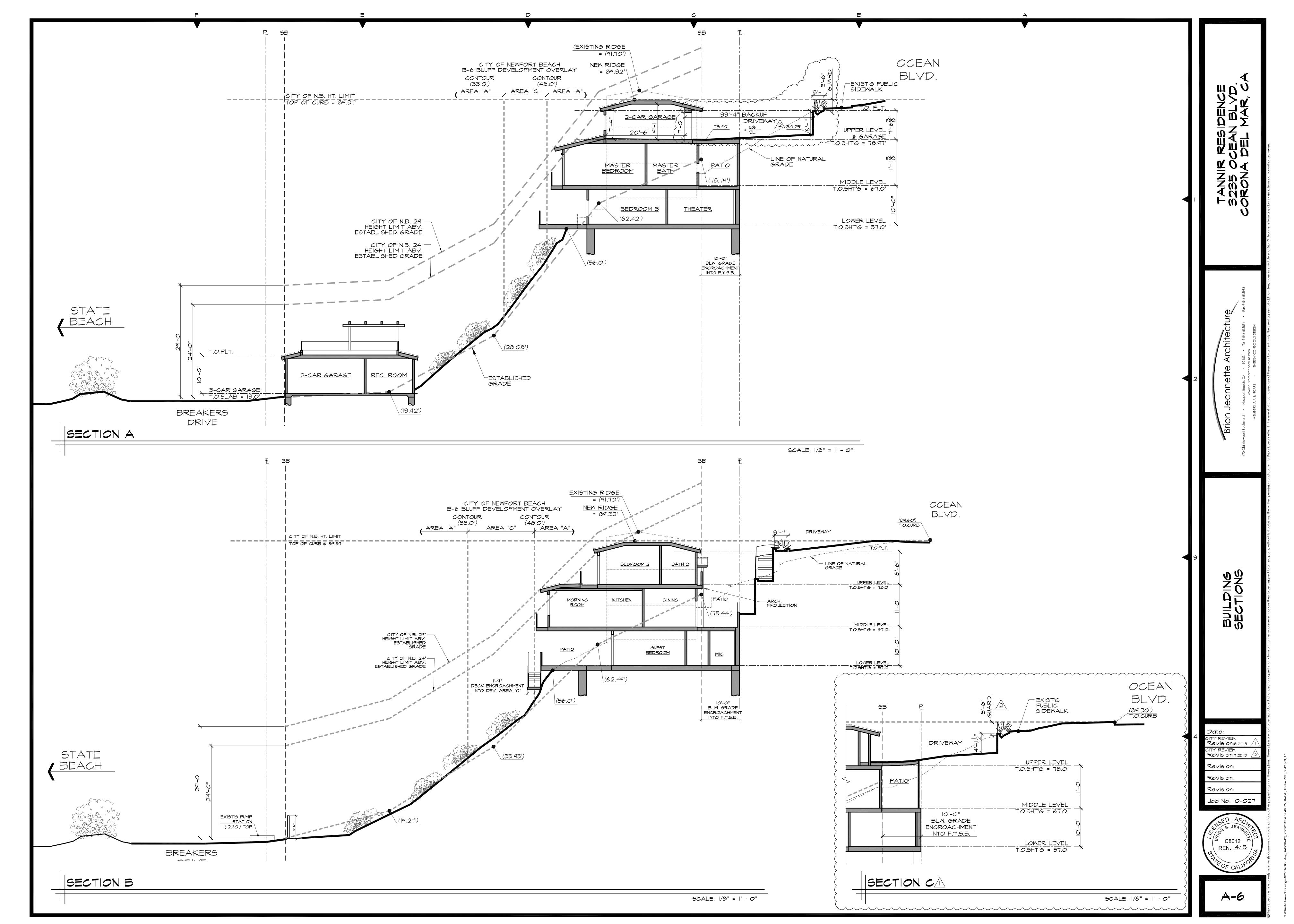
<u> WINDOWS AND DOORS:</u>

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A-4







Revision:7.17.13 Revision:

Revision: Revision:

Revision: Job No: 10-027

PLANTING LEGEND: TREES SHRUBS & GROUNDCOYERS MATURE BOTANICAL NAME/ COMMON NAME MATURE BOTANICAL NAME/ <u>SYMB.</u> HT/MIDTH <u>SIZE</u> <u>SIZE</u> HT/MIDTH COMMON NAME 24" BOX |O' X 8' LAGERSTROMEMIA INDICA SOLANUM XANTI 5 GAL 3'X3' CRAPE MYRTLE PURPLE NIGHTSHADE ROSA CALIFORNICA 5 GAL. 3'X3' CALIFORNIA WILD ROSE CUPRESSUS SEMPERVIRENS 'MONSHEL' 24" BOX 8' X 2' TINY TOWER ITALIAN CYPRESS ANTIGONAN LEPTOPES 5 GAL. JUNIPERUS SPP.
JUNIPER 5 GAL. 2' HT. ROSEMARINUS OFFICINALIS 5 GAL. 3'X3' GERANIUM MADERENSE 5 GAL. 4'X4; MADEIRA CRANESBILL 5 GAL. GROUND COVER CREEPING THYME

CORAL VINE

ROSEMARY

THYMUS SPP.

IRRIGATION NOTES:

DRAIN INLETS IN LANDSCAPE AREAS >20' FROM THE TOP OF BLUFF WILL BE PLACED 1/2" ABOVE FINISHED GRADE TO PROVIDE FOR LOW-FLOW INFILTRATION AND REDUCE THE POTENTIAL FOR SEDIMENT ENTERING THE SITE

DRAINAGE SYSTEM. 2. NO PERMANENT IRRIGATION SYSTEM SHALL BE UTILIZED ON THE COASTAL BLUFF. EXISTING IN-GROUND IRRIGATION SYSTEMS WITHIN THE BLUFF AREA SHALL BE

DISCONNECTED AND CAPPED. 3. TEMPORARY ABOVE GROUND IRRIGATION ON THE COASTAL BLUFF TO ALLOW THE ESTABLISHMENT OF THE PLANTINGS IS ALLOWED.

4. THE TEMPORARY IRRIGATION SYSTEM SHALL HAVE AN AUTOMATIC IRRIGATION CONTROLLER TO ENSURE EFFICIENT WATER DISTRIBUTION. AUTOMATIC IRRIGATION CONTROLLERS SHALL BE EASILY ADJUSTABLE SO THAT SITE WATERING WILL BE APPROPRIATE FOR DAILY SITE WEATHER CONDITIONS. AUTOMATIC CONTROLLERS SHALL HAVE RAIN SHUTOFF SENSOR DEVICES SO THE IRRIGATION SYSTEMS WILL NOT UNNECESSARILY OPERATE ON RAINY

5. ALL PLANTINGS SHALL BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE LIFE OF THE PROJECT, AND WHEN NECESSARY SHALL BE REPLACED WITH NEW PLANT

MATERIALS. 6. IRRIGATION SYSTEM SHALL HAVE AN AUTOMATIC IRRIGATION CONTROLLER TO ENSURE EFFICIENT WATER DISTRIBUTION. AUTOMATIC IRRIGATION CONTROLLERS SHALL BE EASILY ADJUSTABLE SO THAT SITE WATERING WILL BE APPROPRIATE FOR DAILY SITE WEATHER CONDITIONS. AUTOMATIC CONTROLLERS SHALL HAVE RAIN SHUTOFF SENSOR DEVICES SO THE IRRIGATION SYSTEMS WILL NOT UNNECESSARILY OPERATE ON RAINY DAYS.

CONTROL. 4. TO MINIMIZE THE NEED FOR IRRIGATION AND MINIMIZE ENCROACHMENT OF NON-NATIVE PLANT SPECIES INTO ADJACENT OR NEARBY NATIVE PLANT AREAS, ALL LANDSCAPE SHALL CONSIST

ALL PLANTING SHALL PROVIDE 90% COVERAGE

WITHIN 90 DAYS AND SHALL BE REPEATED IF

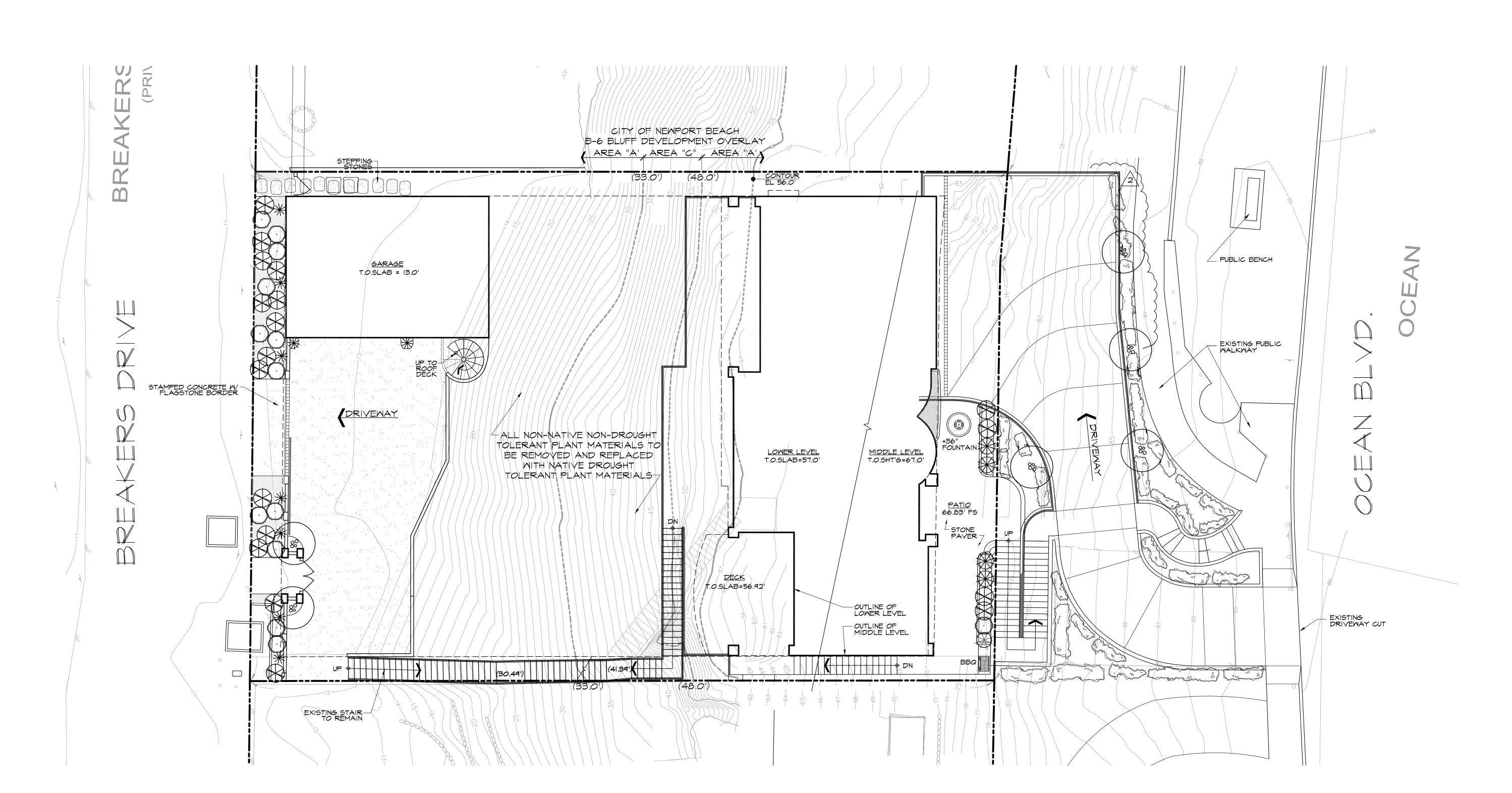
LANDSCAPE NOTES:

SPECIES. 5. NO PLANT SPECIES LISTED AS PROBLEMATIC AND/OR INVASIVE BY THE CALIFORNIA NATIVE PLANT SOCIETY, THE CALIFORNIA EXOTIC PEST PLANT COUNCIL, OR AS MAY BE IDENTIFIED FROM TIME TO TIME BY THE STATE OF CALIFORNIA SHALL BE EMPLOYED OR ALLOWED TO NATURALIZE OR PERSIST ON THE SITE.

6. NO PLANT SPECIES LISTED AS A 'NOXIOUS WEED' BY THE STATE OF CALIFORNIA OR THE U.S. FEDERAL GOVERNMENT SHALL BE UTILIZED WITHIN THE PROPERTY.

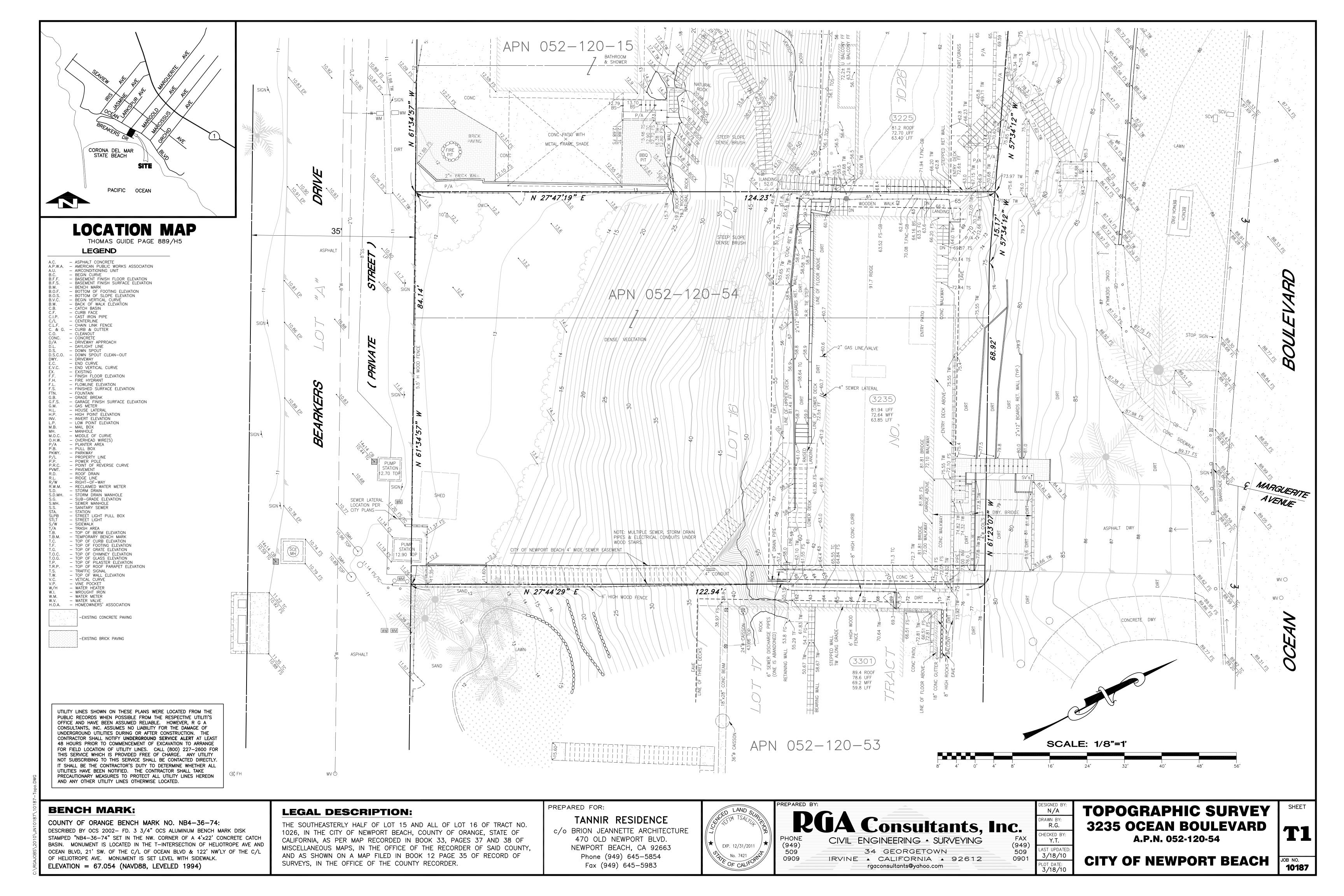
7. ANY EXISTING LANDSCAPING THAT DOESN'T MEET THE ABOVE REQUIREMENTS SHALL BE REMOVED.

8. DO NOT SCALE DRAWINGS.



LANDSCAPE PLAN

SCALE: 1/8" = 1' - 0"



Tannir Residence
Variance No. VA2013-004
(PA2013-110)
3235 Ocean Blvd.

Planning Commission August 8, 2013 meeting



Introduction



- A Variance request to allow:
 - A new single-family residence to encroach 10 feet into the 10-foot front yard setback at the lower level which will not be visible from Ocean Blvd; and
 - A portion of new staircase to exceed 6-foot height limit by 3 feet, for a total of 9 feet.

Vicinity Map





Front Elevation – Ocean Blvd.





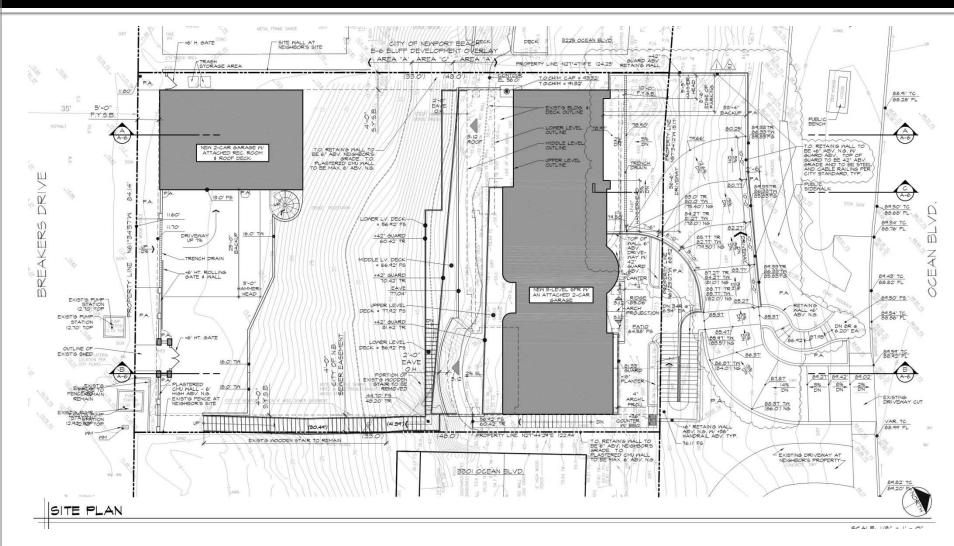
Rear Elevation – Breakers Dr.





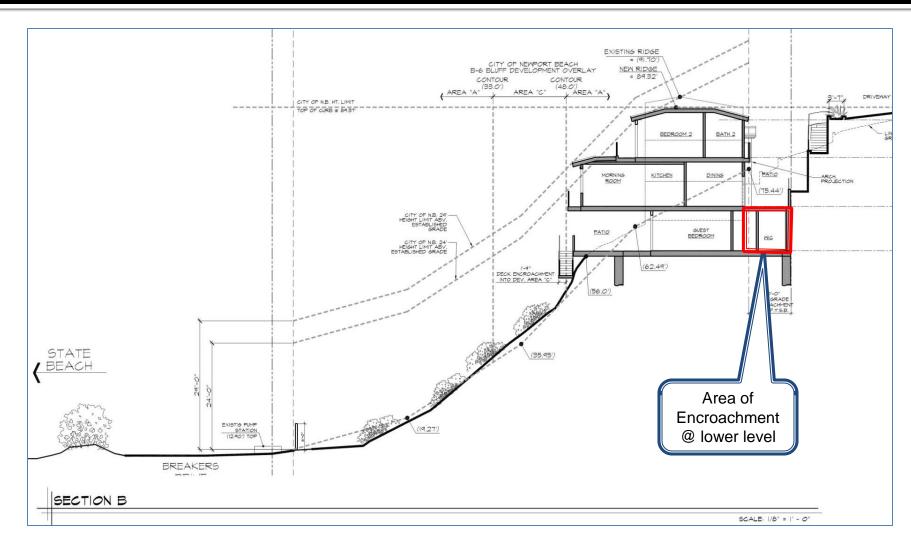
Site Plan





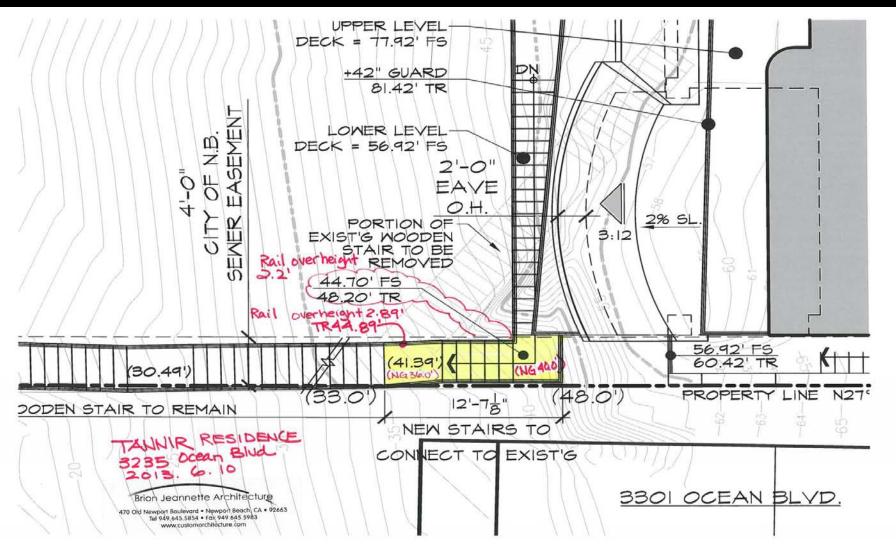
Front Setback Encroachment





Staircase Over Height





CEQA Review



 The project is categorically exempt per CEQA Guidelines – Class 3 (New Construction or Conversion of Small Structures) which includes construction of a single-family residence in a residential area.

Recommendation



- Conduct public hearing; and
- Approve Variance No. VA2013-004, subject to conditions of approval with changes to:
 - Condition #16 Remove OC Health Dept approval



For more information contact:

Rosalinh Ung 949-644-3208 rung@newportbeachca.gov www.newportbeachca.gov